



56111

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

July 23, 1984

Honorable Edward M. Kennedy  
United States Senate  
Washington D.C. 20510

U.S. v. AVX Original  
Litigation Document

Dear Senator Kennedy:

I received the recent letter signed by you and Congressman Studds expressing your continuing interest in the PCB problem in the Greater New Bedford area. EPA shares your concerns and the concerns of area residents as expressed at the public meeting held on June 18 in Fairhaven.

With regard to the perceived slowness of remedial action, EPA is required by the National Contingency Plan (NCP) to assess hazardous waste sites in a specific, methodical manner. As the New Bedford Superfund Site is one of the most complex sites on the National Priorities List, it will take longer to complete the requisite work than at the average Superfund site. To act in haste, without the needed investigations, would be irresponsible on our part, and contrary to the NCP. However, EPA has sufficient data on the Acushnet River Hot Spot and has initiated a fast-track feasibility study to address this highly contaminated area. This report is nearly complete and will be available for public review and comment in August.

One of the major issues addressed in the hot spot feasibility study is PCB disposal alternatives. NUS Corporation, EPA's Superfund contractor, has investigated several alternatives including nine types of incinerators, seven chemical destruction processes, biodegradation, land disposal, and other technologies in an effort to identify the most appropriate, cost-effective solution.

Recent experiences with similar problems at Waukegan, Illinois, and the Hudson River in New York, indicate that land disposal is currently the most cost-effective option. If this alternative is selected for New Bedford, the Commonwealth of Massachusetts is required by the Superfund statute to provide EPA with a disposal site, if disposal takes place off-site. EPA is working with the Interagency PCB Task Force to locate suitable sites.

Area residents and groups, in particular the Fairhaven LIFE group, have voiced their concern about the Atlas Tack lagoon and access to contaminated areas. The Massachusetts Department of Environmental

Quality Engineering (DEQE) has taken the lead in addressing the Atlas lagoon. The company recently signed a Consent Order with DEQE and is scheduled to begin removing the lagoon this summer. The area has recently been secured with the installation of a fence. If Atlas fails to implement the Order, EPA is prepared to initiate enforcement actions.

Access to other contaminated areas will be evaluated on a case-by-case basis. I have directed my staff to post warning signs in the Acushnet River mudflats and to continue to work aggressively through our community relations program to alert the community to the hazards these areas pose to public health. We are presently evaluating the need to restrict access to Sullivan's Ledge.

Other public health issues, including the proposed health study and establishing health clinics, are under the purview of the Massachusetts Department of Public Health (DPH). I recently transmitted a letter to Dr. Bailus Walker, the DPH Commissioner, asking him to address these and other health issues that were raised at the June 18 public meeting. I will forward his response to you.

The problems that EPA is aware of at the Acushnet Landfill appear to be typical of those found at municipal landfills. Solid waste problems such as these are primarily the responsibility of state and local governments. The Achusnet Landfill problem was also raised at the June 18 meeting and I forwarded the matter to James Hoyte, the Secretary of Environmental Affairs. I will likewise forward his response to you.

We all share the goal of resolving these difficult environmental and public health issues, and I look forward to working with the public and their elected representatives towards these ends. If you have any further questions, feel free to contact me or have your staff contact Steve Ellis or Susan Sladek of the Office of Government Relations and Environmental Review at (617) 223-1951.

Sincerely yours,

*Mike*  
Michael R. Deland  
Regional Administrator

cc: Dr. Bailus Walker, MA DEH  
James Hoyte, MA DEQE

*Your continuing interest and assistance in our cleanup efforts New Bedford - and throughout New England - is extremely helpful. Thank you!*